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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
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| 10/566,965  | 08/19/2006  | Christophe Dumousseaux | 09354.0009                 | 9332             |
| 22852   | 7590        | 04/05/2010             |                            |                  |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER<br>LLP<br>901 NEW YORK AVENUE, NW<br>WASHINGTON, DC 20001-4413 |             |                        | EXAMINER<br>SOROUSH, LAYLA |                  |
|   |             |                        | ART UNIT                   | PAPER NUMBER     |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Continuation sheet:**

Applicant argues the Kadokura lamina does not have an optically active substance incorporated in the matrix material. The Examiner points to Kadokura wherein the reference teaches "It is still another object to provide cosmetics having incorporated therein the lamina and a good feeling in use in respect of spreading property and the like."

With respect to the argument that the Kadokura's Example 10 is a titania-silica lamina with finely divided titania, and is calcined at 450°C, which is outside Hall's disclosed temperature range for calcining, 300°C to 400°C, the Examiner states the Hall reference in fact teaches calcination from about 300°C to about 400°C. Hence, the temperature does fall within the range of Kadokura.

Applicant argues "The optically active substance recited in claim 1 does not directly contact skin, at least because it is incorporated in the porous silica particle of claim 1. See Applicants' specification, page 3, lines 20-23. In contrast, Kadokura's lamina, if used in a cosmetic, would apparently allow both the matrix material and the finely dispersed metal or metal compound to directly contact skin." The Examiner states the limitation is a result variable effect of the composition.

Lastly, with respect to the arguments that Hall is directed to reducing friction between PET performs and bottles, and discloses adding poly(methylsilsequioxane) to PET to "reduce surface friction without producing objectionable levels of haze" in the PET, the Examiner states the Hall reference is solely used to show that silicone

particles calcined at about 300°C to about 400°C, produce porous particles (col 3 lines 25-40).

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Layla Soroush whose telephone number is (571)272-5008. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SREENI PADMANABHAN/

Supervisory Patent Examiner, Art Unit 1627